

(1) Adopt Section 110411 to read as follows:

§110411. Local Plan of Cooperation.

“Local Plan of Cooperation” means a cooperative agreement between a local child support agency and another county agency that coordinates their respective roles and delineates responsibilities for establishing paternity, establishing, modifying, and enforcing child support, spousal support, and medical support, or otherwise carrying out the requirements of Title IV-D.

NOTE: Authority: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17304, Family Code.

(2) Adopt Section 110625 to read as follows:

§110625. State/County Plan of Cooperation.

“State/County Plan of Cooperation” means the cooperative agreement between the Department and each local child support agency that identifies the local child support agency’s roles and responsibilities for establishing paternity, establishing, modifying, and enforcing child support, spousal support, and medical support, or otherwise carrying out the requirements of Title IV-D.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17304, Family Code.

(3) Adopt Section 111110 to read as follows:

TITLE 22. Social Security

DIVISION 13. Department of Child Support Services

Chapter 1. Program Administration.

Subchapter 1. Operations.

Article 3. Plans of Cooperation.

§111110. Components of State/County Plan of Cooperation.

(a) The Department shall annually develop and enter into a State/County Plan of Cooperation with each local child support agency.

(b) The State/County Plan of Cooperation shall set forth the local child support agency's responsibilities for administering Title IV-D services and carrying out the state plan, including, but not limited to, locating custodial and non-custodial parents, establishment of paternity, the establishment, modification, and enforcement of child support and medical support orders, enforcement of spousal support orders, collection and distribution of child support, and the preparation of reports and maintenance of records.

(c) The State/County Plan of Cooperation shall, at a minimum, include all of the following:

(1) A clear description of the specific duties, functions, and responsibilities of each party.

(2) Clear and definite standards of performance the local child support agency must meet.

(3) A specific statement that the parties will comply with Title IV-D, implementing federal regulations and any other applicable state and federal laws, regulations and requirements.

(4) The financial arrangements between the parties.

(5) A description of records that shall be maintained and the methods that will be employed to safeguard these records as required by Article 5 of Subchapter 1 of this chapter relating to records management.

(6) A statement of the specific dates on which the State/County Plan of Cooperation begins and ends.

(7) A statement describing any conditions for revision or renewal, and the circumstances under which the State/County Plan of Cooperation may be terminated.

(d) The State/County Plan of Cooperation shall also include the Annual Automation Cooperation Agreement between the Department and the local child support agency specifying the responsibilities, activities, milestones, and consequences in regard to automation, as specified in Section 10081 of the Welfare and Institutions Code.

(e) The Department may also include in ~~The State/County Plan of Cooperation may also include~~ special contract provisions detailing the responsibility of the local child support agency for carrying out new initiatives or

programs defined by the Department or necessary to address the need for
program improvement by a local child support agency.

NOTE: Authority: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17304, Family Code; Section 10081, Welfare and Institutions
Code; and 45 Code of Federal Regulations, Sections 303.107.

(4) Adopt Section 111120 to read as follows:

§111120. General Requirements of State/County Plans of Cooperation.

(a) The State/County Plan of Cooperation shall be one year in duration, commencing at the start of the ~~state~~ federal fiscal year, and shall be subject to renewal or amendment as necessary to reflect new or revised state and federal laws, regulations, and requirements. Failure of the parties to amend the State/County Plan of Cooperation to reflect new or revised state and federal laws and regulations does not relieve the local child support agency of the responsibility to act in accordance with those laws, regulations, and requirements.

(b) The State/County Plan of Cooperation shall be signed by the director of the local child support agency and returned to the Department by the commencement of the ~~state~~ federal fiscal year.

(c) Failure to sign and return the State/County Plan of Cooperation by the start of each ~~state~~ federal fiscal year may result in the withholding of part or all of the state or federal funds, including incentive funds, or other compliance actions authorized by state or federal law, regulation or policy.

NOTE: Authority: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17304, Family Code; 45 Code of Federal Regulations, Section 303.107.

(5) Adopt Section 111210 to read as follows:

§111210. Authority.

(a) Each local child support agency shall have the authority to enter into a Local Plan of Cooperation with other county agencies, with approval by the Department, to assist in carrying out the local child support agency's responsibilities under the State/County Plan of Cooperation.

(b) When a local child support agency, through a Local Plan of Cooperation, delegates responsibility to provide child support services to another county agency that is not a local child support agency, the local child support agency shall retain responsibility and accountability to the Department for operating, supervising, managing, or overseeing Title IV-D functions of the local child support agency under the provisions of the Local Plan of Cooperation.

(c) Nothing in this Article is intended to affect cooperative agreements entered into between local child support agencies and the superior court.

NOTE: Authority: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17304, Family Code.

(6) Adopt Section 111220 to read as follows:

§111220. Requirements of Local Plan of Cooperation.

(a) Each Local Plan of Cooperation shall, at a minimum, include all of the following:

(1) A clear description of the specific duties, functions, and responsibilities of each party.

(2) Clear and definite standards of performance the county agency that is entering into the Local Plan of Cooperation with the local child support agency must meet.

(3) A specific statement that the parties shall comply with all state and federal laws, regulations and requirements relative to the subject of the Local Plan of Cooperation.

(4) The financial arrangements between the parties.

(5) A description of records that shall be maintained and the methods that will be employed to safeguard these records as required by Article 5 of Subchapter 1 of this chapter relating to records management.

(6) A statement of the specific dates on which the Local Plan of Cooperation begins and ends.

(7) A statement describing any conditions for termination, and revision or renewal upon written agreement of both parties, including a statement that any provision of the Local Plan of Cooperation which conflicts with new or revised state and federal laws, regulations, and requirements, shall be deemed to be amended consistent with those laws, regulations, and requirements.

(8) Provisions for effective monitoring of the other county agency's performance under the Local Plan of Cooperation, including, but not limited to:

- (A) Periodic meetings between parties.
- (B) On-site review by the local child support agency.
- (C) Records review.

(9) Provisions for corrective action when review of the other county agency's contract performance indicates a deficiency in performance.

(b) A Local Plan of Cooperation shall not exceed three years in duration, subject to annual review and approval by the Department to ensure ongoing consistency with the State/County Plan of Cooperation.

NOTE: Authority: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17304, Family Code; and 45 Code of Federal Regulations, Section 303.107.

(7) Adopt Section 111230 to read as follows:

§111230. Approval of Local Plan of Cooperation.

(a) A local child support agency shall submit any Local Plan of Cooperation to the Department for review and approval.

(1) Within 60 days of receipt of a Local Plan of Cooperation from the local child support agency, the Department shall either approve the Local Plan of Cooperation or notify the agency that the Local Plan of Cooperation is denied.

(2) If the Department fails to respond in writing within 60 days of receipt of a Local Plan of Cooperation, the Local Plan of Cooperation shall be deemed approved.

(3) If the local child support agency is notified that the Local Plan of Cooperation is denied, the agency may submit a revised Local Plan of Cooperation to the Department for further consideration.

(b) The Department shall review a Local Plan of Cooperation for appropriateness, necessity, and cost reasonableness.

(c) Costs associated with a Local Plan of Cooperation must be approved as part of the budget process.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17304, Family Code.

(8) Repeal Manual of Policies and Procedures Section 12-000 as follows:

12-000 GENERAL STATEMENT

12-000

HANDBOOK BEGINS HERE

~~Pursuant to Public Law 93-647 as amended by Public Law 94-88, the Department of Social Services has been designated the single state agency to administer the Child Support Enforcement Program (Title IV-D of the Social Security Act). Regulations governing the functions of the county welfare department with respect to the child support program are to be found in Division 43 of the EAS Manual. A Plan of Cooperation has been developed and executed with each county which delegates certain functions of the program to local district attorney offices. The purpose of such plan is to establish responsibilities and guidelines for an effective program for the securing of financial support. Including, but not limited to, identification and location of absent parents, determination of paternity of children born out of wedlock, determination of the absent parents' ability to support their minor children, establishment and enforcement of child support, establishment and enforcement of medical support, and enforcement of existing spousal support obligations when enforced in conjunction with a child support obligation.~~

HANDBOOK ENDS HERE

(9) Repeal Manual of Policies and Procedures Section 12-003 as follows:

12-003 PLAN OF COOPERATION (STATE) 12-003

HANDBOOK BEGINS HERE

~~The Plan of Cooperation mentioned above generally contains provisions regarding the responsibilities of the State Department of Social Services.~~

~~.1 through .8 repealed per Manual Letter No. CS-91-03, effective 10/1/91.~~

~~The responsibilities of the district attorneys are also contained in the Plan of Cooperation. A model plan is found in Appendix I of this chapter.~~

HANDBOOK ENDS HERE

(10) Repeal Manual of Policies and Procedures APPENDIX I as follows:

APPENDIX I

PLAN OF COOPERATION

PURPOSE

This Plan of Cooperation is entered into between the _____ County District Attorney, hereinafter referred to as the "District Attorney", and the California State Department of Social Services, hereinafter referred to as the "Department". The purpose of the Plan is to identify each agency's respective efforts and responsibilities relating to Title IV-D of the Social Security Act for securing support and determining paternity, hereinafter referred to as "Title IV-D."

The Plan establishes responsibilities and guidelines for all appropriate administrative and casework functions required by Federal regulations and State laws. These functions include, but are not limited to: locating absent parents; determining paternity of children born out of wedlock; determining the ability of parents to support their minor children; establishing child support obligations; modifying existing child and spousal support orders; establishing, enforcing, and modifying orders to obtain medical support; collection and distribution of child support monies; and maintaining records and preparing reports in compliance with State and Federal laws and California's Title IV-D State Plan.

II CONFIDENTIALITY

The use of disclosure of information concerning applicants and recipients will be limited to purposes directly connected with the administration of the State Plan for establishing paternity and establishing, enforcing, and modifying child support obligations pursuant to Federal and State laws and regulations. This includes, but is not necessarily limited to, the release of information obtained in connection with establishing eligibility; determining amounts of assistance; identifying and locating putative or deserting parents; establishing paternity; enforcing support obligation; investigating welfare fraud; and any investigation, prosecution or criminal or civil proceeding, conducted in connection with the administration of the State Plan. No information which identifies any applicant or recipient of public assistance by name or address shall be disclosed to any committee or legislative body.

APPENDIX I (Continued)

III ORGANIZATION

~~The Department of Social Services is the single organizational unit whose duty is to administer, supervise and monitor the Title IV-D State Plan. The Department is responsible and accountable for the statewide operation of the Title IV-D Program. The Department shall take such steps as are provided by laws and regulations to ensure that Title IV-D functions are carried out properly, efficiently and effectively.~~

~~The District Attorney shall maintain a single organizational unit which shall have responsibility for promptly, efficiently and effectively performing Title IV-D functions, and providing services to applicants and recipients, as delegated in this Plan.~~

~~The District Attorney may, upon approval of the Department, and as provided by Federal law, enter into cooperative arrangements with other county departments, to carry out his/her Title IV-D responsibilities under this Plan. (No Title IV-D functions may be delegated by District Attorney to other county departments if such functions are to be performed by caseworkers who are also performing assistance payments or social services functions under Title IV-A or XX of the Social Security Act.) The services of private vendors may also be utilized as permitted by State and Federal laws.~~

~~When delegating Title IV-D functions to public agencies or private vendors, the District Attorney shall retain overall responsibility and accountability for the execution of such services performed under cooperative arrangements or contract. The District Attorney shall ensure that all delegated Title IV-D functions are carried out properly, efficiently and effectively.~~

IV STANDARDS

~~The Department shall maintain an organizational structure and sufficient staff to efficiently and effectively administer and supervise all of the functions for which it is responsible under the Title IV-D State Plan.~~

~~The District Attorney shall maintain an organizational structure and sufficient staff to efficiently and effectively accomplish all of the Title IV-D functions for which he/she is responsible under this Plan.~~

~~The District Attorney shall maintain the following types of staff in sufficient numbers to achieve the standards for an effective program: (1) attorneys or prosecutors to represent the agency in court, at hearings or administrative proceedings with respect to the Title IV-D program and (2) other personnel such as legal, interviewer, investigative, collection, accounting, clerical management, administrative, paralegal and other supportive staff.~~

~~V~~
RESPONSIBILITIES

The Department shall have each of the following Title IV-D responsibilities:

- ~~(1) Use equitable standards that are mandatory throughout the State, to ensure that this Plan is continuously in operation by the District Attorney and all appropriate county agencies;~~
- ~~(2) Ensure that the Title IV-D State Plan is amended as required to reflect new or revised Federal statutes or regulations or material changes in any phase of State law, organization, policy or state or county agency operation;~~
- ~~(3) Prepare and actively pursue legislative proposals needed to conform State laws to Federal Title IV-D laws and regulations;~~
- ~~(4) Develop directives and regulations informing the District Attorney and appropriate county agencies of State and Federal policies, standards, procedures and instructions relative to administration of the Title IV-D Program, including providing essential, short-term training to county staff as necessary;~~
- ~~(5) Develop, implement and/or maintain, as appropriate, State-level systems and methods for locating absent parents and collecting support payments, including tax intercept systems, unemployment, state disability insurance, and worker's compensation intercept systems, parent locator services, credit reporting, etc.;~~
- ~~(6) Prepare, maintain, publish and distribute a brochure describing the Title IV-D Program and to publicize the availability of support services through a variety of methods, including public service announcements, posters, etc.;~~
- ~~(7) Ensure that the county welfare agency provides all reasonable assistance necessary to permit the District Attorney to meet State and Federal standards for program performance;~~
- ~~(8) Make available to the District Attorney a list of laboratories within the State that perform legally and medically acceptable genetic testing of blood or other tissue, which tend to identify the father or exclude the putative father from paternity.~~
- ~~(9) Request Federal exemption from the expedited process requirements for the District Attorney when a request is submitted which qualifies based on timeliness and effectiveness.~~
- ~~(10) Establish systems and procedures to facilitate the District Attorney's claiming, and the Department's payment, of State and Federal incentives and Federal matching funds;~~
- ~~(11) Allocate and distribute incentive payments to the District Attorney as may be required when more than one county within the State is involved in the enforcement of collections;~~
- ~~(12) Review, evaluate and monitor electronic data processing efforts undertaken by the District Attorney, including reviewing, planning and procurement documents, and granting/denying approval, making recommendations for Federal approval and/or~~

APPENDIX I (Continued)

~~_____~~
~~_____ returning for revision or correction as needed, as described in Division 28 of the Department's Manual of Operations;~~

- ~~(13) Monitor and evaluate operations by the District Attorney;~~
- ~~(14) Apply such penalties to the District Attorney for unmet audit criteria or performance-related criteria as specified in Federal regulations;~~
- ~~(15) To withhold funds to the District Attorney for any period, as applicable, until complete and accurate financial and statistical reports are received by each report's specified due date, unless the Department determines that good cause, defined as circumstances beyond the District Attorney's control exists;~~
- ~~(16) To maintain and update the Department's Title IV-D Child and Spousal Support Program Procedure Manual as required by changes in Federal and State laws, regulations and policies; and,~~
- ~~(17) To invoke the actions required by Welfare and Institutions Code Section 11475.2 if the Director of the Department considers any public agency to be failing in a substantial manner to comply with a Title IV-D State Plan requirement.~~

VI

DISTRICT ATTORNEY'S RESPONSIBILITIES

~~The District Attorney shall have each of the following Title IV-D responsibilities:~~

- ~~(1) Comply with Title IV-D of the Social Security Act; comply with the Federal regulations which implement Title IV-D; and with any other applicable Federal regulations and requirements;~~
- ~~(2) Comply with State statutes and regulations applicable to the Administration of the Title IV-D program and the State Plan; and comply with the directives issued by the Department regarding Federal and State law, policies, standards, procedures, and instructions relative to the administration of the Title IV-D program and State Plan;~~
- ~~(3) Provide Title IV-D support services without charge to any individual, agency, or institution that makes application for such services;~~
- ~~(4) Implement the Department's Title IV-D Child and Spousal Support Program Procedure Manual, update/develop county issued procedures to supplement the procedure manual as needed, and distribute appropriate sections to each employee performing Title IV-D functions;~~
- ~~(5) Establish a Title IV-D case record to include all relevant information necessary for proper and efficient case processing in accordance with 45 CFR 303.2;~~
- ~~(6) Unless a Federal exemption from expedited process regulations has been obtained through the Department, enter into an agreement with the Superior Court for an expedited process;~~

APPENDIX I (Continued)

- ~~(7) Delay investigation and any other actions on a Title IV-D case upon notification by the county welfare department that a child is being considered for adoption, until notified by the county welfare department that the adoption is no longer under consideration;~~
- ~~(8) Review, comment and make recommendations on good cause findings made by the county welfare agency;~~
- ~~(9) Not undertake establishing (including paternity) or enforcement action in a Title IV-D case, or to suspend all such efforts, if there has been a finding of good cause, unless the county welfare agency determines that child support services may proceed without the participation of the caretaker relative;~~
- ~~(10) Attempt to quarterly locate all absent parents when their location is unknown, including to:
 - ~~(a) Use appropriate local locate sources such as officials and employees administering public assistance, general assistance, medical assistance, food stamps and social services; relatives and friends of the absent parent; current or past employers; the local telephone company; the United States Postal Services; financial references, unions, and fraternal organizations; and police, parole and probation records;~~
 - ~~(b) Use the California Parent Locator Service located in the Department of Justice, in accordance with instructions and guidelines, and in such format, as may be prescribed by that agency to access other information sources, including the Federal Parent Locator Service when requesting other States to undertake location activities;~~~~
- ~~(11) Undertake efforts to establish paternity for any child in a Title IV-D case that is under the age of 18 and was either: 1) born out of wedlock or 2) born during a marriage, but paternity is being disputed, including administering a paternity questionnaire; securing a stipulation or court order establishing paternity; and investigating and developing evidence through the use of pre-trial depositions, blood and HLA tests, and polygraph tests, when necessary, except that no polygraph tests shall be administered to any applicant or recipient of public assistance without written notice to, and written consent from, the applicant/recipient;~~
- ~~(12) Undertake efforts to establish child support obligations for any child in a Title IV-D case for whom one has not been previously established. This activity includes, but is not limited to, obtaining and/or preparing income and expense declarations; computing support awards using the statewide standard; and securing a stipulation or order for current support and reimbursement of public assistance, including provisions for wage assignments;~~

APPENDIX I (Continued)

- ~~(13) For all Title IV-D cases with a court ordered child and/or medical support obligation, identify those cases in which there is a failure to comply with the support obligation and take timely and appropriate enforcement action as required by State laws and Federal regulations to obtain payment of the current support and any arrearages, including but not limited to:
 - ~~(a) Income withholding;~~
 - ~~(b) All intercept, match, and notification systems operated by the Department, including those for intercepting State and Federal tax refunds, unemployment insurance benefits, etc.;~~
 - ~~(c) Liens against real or personal property;~~
 - ~~(d) Criminal and/or civil contempt proceedings;~~
 - ~~(e) Garnishment proceedings;~~
 - ~~(f) Require an obligor to give security, post a bond, or give some other guarantee to secure payment of support;~~
 - ~~(g) Make information regarding the amount of overdue support owed by an obligor available to consumer reporting agencies and participate in the Child Support Credit Reporting System;~~~~
- ~~(14) Enforce health insurance provisions in all new or modified court orders in Title IV-D cases as required by State laws and Federal regulations and to notify the Department of Health of any such orders in Title IV-D AFDC cases that include a medical support obligation;~~
- ~~(15) Review and seek modifications of support obligations periodically, using the Department's criteria for both child support and medical support, whenever the District Attorney becomes aware of changes in the factors which determine the amount of support obligations or at the absent/custodial parent's request;~~
- ~~(16) Collect spousal support in conjunction with child support payments;~~
- ~~(17) Utilize reciprocal arrangements adopted with other California counties and other States to assist in processing Title IV-D cases;~~
- ~~(18) Refer Title IV-D cases to the appropriate agency of another California county or another state when necessary, and provide such agency sufficient information to act on the case, including, but not limited to, the following:
 - ~~(a) The AFDC or non-AFDC status of the child(ren) and any changes in status;~~
 - ~~(b) The amount of the monthly assistance payment and the amount of unreimbursed assistance, if any;~~
 - ~~(c) Any other information as may be requested or required;~~~~

APPENDIX I (Continued)

- ~~(19) When another State has failed to initiate timely enforcement action, and in accordance with Federal regulations, submit a request to the California Attorney General, in a form and manner prescribed by that office, asking for permission to utilize a United States District Court to enforce the order in an eligible Title IV-D case;~~
- ~~(20) When all reasonable collection efforts and mechanisms have failed, and in accordance with Federal regulations, to submit a request to the California Attorney General, in a manner and format prescribed by that office, asking that the Title IV-D case be forwarded to the United States Treasury Department for collection;~~
- ~~(21) For all Title IV-D cases with a court-ordered obligation or voluntary payment agreement, establish and maintain records to allow all collections to be accurately and completely documented, monitored, tracked and disbursed, such as accounting, disbursement and/or distribution (AFDC cases only) records in accordance with Division 25, Section 900-925, of the Department's Manual of Policy and Procedures, including but not limited to:
 - ~~(a) A completed CS 831 Collection Accounts Receivable form, or a Department approved substitute, showing a history of all of the assigned and unassigned support collections made on the account, including receipt date and the receipt number;~~
 - ~~(b) A completed CS 278M Child and Spousal Support Transmittal, or a Department approved substitute, for each assigned support collection that has been received on the account showing how the amount was disbursed and distributed; and,~~
 - ~~(c) A completed CS 278L Child and Spousal Support Case History and List of Authorization form, or a Department approved substitute, summarizing the information contained on the CS 278M forms and showing the total amount of unreimbursed assistance remaining on the case;~~~~
- ~~(22) Report the following information on Title IV-D cases to the County welfare department on a timely basis:
 - ~~(a) Collection or other information that is necessary to the determination and redetermination of eligibility; and,~~
 - ~~(b) Instances in which the AFDC applicant/recipient has failed to cooperate in Title IV-D activity as required by Federal and State statutes and regulations;~~~~
- ~~(23) Annually, notify current and former AFDC recipients, who have assigned their support rights, of amounts of assigned support collections made during the previous year and indicating the amount of support collected that was forwarded to the family;~~
- ~~(24) Compile and maintain complete and accurate financial and statistical information and data, and submit such information and data in a manner which meets State~~

APPENDIX I (Continued)

~~and Federal requirements as specified below. Complete reports are defined as reports in which all line items contain all applicable information required by the Department (refer to Department's Fiscal Manual, Division 25);~~

CHILD SUPPORT PROGRAM		
Handbook	STATE IV-D AGENCY	APPENDIX I (Cont.)

APPENDIX I (Continued)

Form #	Form Name	Due Date
CS 356	IV-D Child Support Expenditures and Certification	12th working day after the end of the quarter
CS 800	Summary Report of Child and Spousal Support Payments	8th working day of month following the month of distribution
CS 820	Child/Spousal Support Collections Summary Report	15th working day after the month of distribution
CS 825A	Monthly Accounts Receivable Report	15th working day after the end of the month
CS 825B	Annual Point in Time Report of Counts	15th working day of October
CS 850	Monthly Statistical Report on Child Enforcement Activities	15th working day after the end of the month

~~(25) Investigate, or refer to the Special Investigative Unit of the county welfare department, cases of suspected welfare fraud;~~

~~(26) Make all Title IV-D records maintained under this plan available for review and/or audit by authorized Federal, State and county officials;~~

~~(27) Develop and implement a corrective action plan, acceptable to the Department and/or the Federal Government, for any noncompliance finding identified in any Federal or State audit or State program review;~~

~~(28) Provide reasonable and essential training to full and part-time staff, for which the costs shall be reimbursed in accordance with applicable State and Federal law;~~

~~(29) Obtain prior approval for all electronic data processing feasibility, development, implementation, maintenance and enhancement/modification projects, and related costs, as required by State regulations contained in Division 28 of the Department's Manual of Operations; and~~

APPENDIX I (Continued)

- (30) ~~Distribute on a flow basis the Department's Title IV-D Program brochure to requesters and quarterly undertake an outreach program to inform the public that Title IV-D services are available to non-AFDC applicants.~~

VII

FISCAL ACCOUNTABILITY

~~The Department shall maintain an accounting system and supporting fiscal records adequate to assure that claims for Federal funds are made in accordance with applicable Federal requirements and shall retain such records as required by Federal regulations. The Department shall develop instructions in accordance with applicable State and Federal statutes and regulations for the preparation and submission of indirect cost rate proposals and claims for Federal funds. The Department shall distribute such instructions to the appropriate county agencies (Department's Manual of Policy and Procedures, Section 900-975).~~

~~The District Attorney shall maintain an accounting system and supporting fiscal records adequate to assure that claims for Federal funds are made in accordance with applicable Federal and State requirements and shall retain such records as required by Federal regulation. Unless a Federal waiver to the requirement has been obtained through the Department, the District Attorney shall have procedures which ensure that staff responsible for handling cash receipts of support payments do not participate in accounting functions that would permit them to conceal the misuse of such receipts in the accounting records.~~

~~The District Attorney shall maintain a copy of the County's approved countywide cost allocation plan on file which identifies and describes the methods and procedures the County has established for properly charging the costs of administration, services, and training activities, estimated costs, the basis used for allocating the various pools of costs to programs and activities, and such other information as is necessary to document the cost allocation methods and procedures. The countywide cost allocation plan and claims for Federal funds shall be prepared and submitted and shall contain the information and documentation specified in the instructions promulgated by the Department.~~

~~Reimbursement for services will be conditioned upon meeting the responsibilities contained in the agreement.~~

VIII

BONDING

~~The District Attorney shall have the following responsibilities:~~

- (1) ~~Ensure that every person who receives, disburses, handles, or has access to funds collected under the Title IV-D Program is covered by a bond against loss resulting from employee dishonesty;~~

APPENDIX I (Continued)

- ~~(2) Establish the bond in an amount which is sufficient to protect the county against loss from employee dishonesty;~~
- ~~(3) Ensure compliance with these requirements by any other public or private agency with which a plan of cooperation or purchase of service agreement is established involving the cash handling and/or accounting function; and,~~

~~This bonding requirement may be satisfied by means of a self-bonding or self-insurance program which is adequate to cover any loss of child support funds from employee dishonesty. In such cases, the appropriate county official shall certify as follows:~~

~~"This county is self-bonded or self-insured for an amount which is adequate to cover any loss of child support funds from employee dishonesty."~~

~~These requirements do not reduce or limit the ultimate liability of the county IV-D agency for losses of child support collections from the IV-D Program.~~

IX CIVIL RIGHTS COMPONENT

~~The Department and the District Attorney shall adhere to the following civil rights requirements:~~

~~(1) Purpose~~

~~The Title IV-D Program shall be operated in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, Title VI Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975 and other applicable Federal and State laws which prohibit discrimination on the basis of race, color, national origin, age, political affiliation, religion, marital status, sex, or handicap. Administrative methods or procedures which have the effect of subjecting individuals to discriminatory treatment or defeating the objectives of these laws are prohibited.~~

~~(2) Scope~~

~~The policies and procedures for effecting compliance with the applicable laws shall apply to the District Attorney and the Department administering the program covered by this Plan.~~

~~The District Attorney shall maintain assurances of compliance with any vendor, contractor, or other agency participating in this program through agreement with the District Attorney. The District Attorney shall not be required to make such assurances on behalf of county departments.~~

APPENDIX I (Continued)

(3) — Dissemination of Information

~~The District Attorney shall make available to applicants and other interested persons information regarding the provisions of this part and its applicability to the IV-D program. This information shall be made available in a manner necessary to apprise such persons of the protections against discrimination assured them by the Civil Rights Act. Posters on nondiscrimination supplied by the Department shall be posted prominently in all waiting rooms. The telephone number of the person in the agency responsible for investigating complaints shall be placed on the poster in the appropriate spot.~~

(4) — Discriminatory Practices Prohibited

~~No person shall be subjected to discrimination on the grounds of race, color, national origin, age, political affiliation, religion, marital status, sex, or handicap in the program covered by this Plan. Methods of administration shall not be utilized which have the effect of subjecting individuals to discrimination or defeating or substantially impairing accomplishments of the objectives of this part.~~

~~(a) The District Attorney shall not subject any individual to segregation or separate treatment that is different from others on the grounds of race, color, national origin, age, political affiliation, religion, marital status, sex, or handicap.~~

~~(b) The employment practices of the District Attorney shall not discriminate on the basis of race, color, national origin, age, political affiliation, religion, marital status, sex, or handicap where this would tend to subject applicants to discrimination in the IV-D program.~~

~~(c) If a site or facility is to be located or relocated for the purposes of implementing this Plan, the District Attorney shall not make selections which have the effect of excluding applicants from this program or which would subject them to discrimination or which would substantially impair the accomplishment of the objectives of the Civil Rights laws.~~

(5) — Corrective Action Requirements

~~In order to comply with the above, the District Attorney shall take positive steps to ensure that the program is not administered in a manner which discriminated on the basis of race, color, national origin, age, political affiliation, religion, marital status, sex, or handicap. This requires the District Attorney to analyze current practices to determine if any of these practices result in the unequal delivery of services to applicants and to take whatever measures are required to provide for equal delivery of services.~~

APPENDIX I (Continued)

(6) Compliance Requirements

~~The Department shall cooperate with the District Attorney in obtaining compliance with the provisions of this part and shall provide assistance and guidance to the District Attorney to help obtain voluntary compliance. The Department shall keep records so as to provide the Department of Health and Human Services with timely, complete, and accurate compliance reports.~~

(7) Accessibility of Facilities

~~(a) The State Building Code, Title 24, Parts 2, 3, and 5, of the California Administrative Code, contains the regulations governing structural accommodations for handicapped persons in public facilities.~~

~~(b) When public areas (reception, waiting room, interview booth), public restrooms, employee restrooms, and public drinking fountains are provided, they shall be accessible to handicapped persons and identified by the international symbol of accessibility in compliance with the State Building Code. When parking is provided to the general public, it shall be accessible to handicapped persons pursuant to local ordinance and/or the State Building Code.~~

(8) Program Accessibility

~~(a) The District Attorney, with instructions and assistance provided by the Department, shall evaluate its practices and policies to ensure they do not discriminate on the basis of handicap.~~

~~(b) The District Attorney shall ensure that the IV-D program is readily accessible to handicapped persons.~~

~~(c) In choosing available methods for meeting the requirements of this section, the District Attorney shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.~~

~~(d) In the event that structural modifications are required to provide program accessibility, they shall conform to Accessibility standards approved by the Office of the State Architect, pursuant to Title CXXIV of the California Administrative Code.~~

~~(e) Where structural modifications are not practical, the agency shall provide services at an alternate accessible site.~~

(9) Auxiliary Aids

~~An agency shall provide auxiliary aids to persons with impaired hearing, speech, vision or manual skills where necessary to afford such persons an equal opportunity to benefit from aids or services. Auxiliary aids may include brailled and taped material, interpreters, teletypewriting machines and other effective aids for~~

APPENDIX I (Continued)

~~persons with impaired hearing, speech, vision or manual skills. Compliance with this section can be accomplished through use of volunteer services from community organizations and individuals.~~

~~(10) Provisions of Services to Non-English Speaking Persons~~

~~The District Attorney shall take such steps as necessary to ensure that a sufficient number of bilingual, culturally aware employees are assigned to public contact positions serving a substantial number of non-English speaking persons. These employees shall have the language skills and cultural awareness necessary to communicate fully and effectively with non-English speaking persons.~~

- ~~(a) For purposes of determining the required number of bilingual staff, a "substantial number" is defined as five percent or more.~~
- ~~(b) The District Attorney shall provide for interpreters, as appropriate, on a temporary basis until a sufficient number of bilingual staff are available. Such interpreters shall have sufficient knowledge of the terminology used in the Child Support Enforcement Program.~~
- ~~(c) Where appropriate, the District Attorney shall take whatever steps are necessary to fulfill the requirements of this section, including but not limited to: reassignment of current bilingual staff, language training programs, filling vacancies with bilingual, culturally aware employees, establishing a recruitment program that includes use of non-English media and other actions as necessary.~~
- ~~(d) When the percentage of non-English speaking persons is less than five-percent, the District Attorney shall ensure that effective bilingual services are provided. This requirement may be met through utilization of paid interpreters, qualified bilingual employees, qualified employees of other agencies or community resources.~~
- ~~(e) Applicants/recipients may provide their own interpreter; however, the District Attorney shall not require them to do so. Only under extenuating circumstances or at the specific request of the applicant/recipient shall the District Attorney allow a minor (under the age of 18 years) to act as an interpreter.~~
- ~~(f) The District Attorney shall provide forms or other written material in the individual's primary language. When such forms or other written material contain spaces (other than "for agency use only") in which the District Attorney is to insert information, this inserted information shall also be in the individual's primary language.~~
- ~~(g) Instructional and directional signs posted in the waiting areas and other places frequented by the public shall be translated into the appropriate non-English languages.~~

APPENDIX I (Continued)

(11) Complaint Procedure

~~An individual may file a complaint alleging discriminatory treatment with the District Attorney or the Department or with the Department of Health and Human Services within 180 days of the alleged discriminatory act unless extended by the Department or the Federal agency.~~

- ~~(a) All complaints of discriminatory treatment received by the Department will be referred to the District Attorney for investigation.~~
- ~~(b) The District Attorney will investigate complaints in accordance with the provisions in the Department publication "Guidelines for Conducting Discrimination Investigations".~~
- ~~(c) The District Attorney shall not assign an employee to investigate a complaint involving any action taken by him/her or by any employee under his/her immediate supervision.~~
- ~~(d) Any corrective action determined to be necessary as a result of a discrimination complaint shall be initiated within 60 calendar days following completion of the investigation.~~
- ~~(e) The District Attorney and the Department are prohibited from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with any right or privilege secured under applicable laws or because he/she has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this part. Where possible, the identity of the complainant shall be kept confidential.~~
- ~~(f) If after review of the complainant's appeal and the District Attorney's investigative report the Department determines that further investigation is warranted, the Department shall so inform the complainant and the District Attorney and refer the complaint to the California Attorney General for investigation within 30 days of receipt of the appeal.~~
- ~~(g) After consultation with the California Attorney General, the Department shall either: (1) advise the complainant that the State's investigation agrees with the District Attorney's findings; or (2) meet with the Attorney General and District Attorney to attempt a voluntary resolution of the discrimination complaint.~~

(12) Procedure for Effecting Compliance

~~If there appears to be a failure or threatened failure to comply with any of the provisions of this agreement, and if the noncompliance cannot be corrected by informal means, compliance with this part will be effected by taking appropriate action in cooperation with the California Attorney General. Should the agency fail to comply with the requirements of this or any other part of this agreement, fiscal sanctions or other legal remedies may be invoked in accordance with Welfare and~~

APPENDIX I (Continued)

~~Institutions Code Sections 10605 and 11475.1 or Government Code Section 11135-39.~~

_____ **X**
_____ **TERM**

~~This Plan of Cooperation shall begin effective October 1, 1990, and end effective September 30, 1992. It shall be renewed upon the same terms for additional periods of 2 years contingent upon written agreement of both parties.~~

~~This agreement may be amended by either party by written mutual consent and will be revised to meet changing Federal and State requirements.~~

Dated: _____ Dated: _____

District Attorney _____ Department of Social Services

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

The scope of the Plans of Cooperation regulations described in the Initial Statement of Reasons Informative Digest/Policy Statement Overview which were filed on an emergency basis (OAL File No. 02-0424-01-E) remains unchanged. The regulations are being adopted on a permanent basis by this certificate of compliance rulemaking. Minor changes have been made as a result of further analysis and public comments. Specific detailed discussions of those changes are listed below.

Briefly, the changes serve to clarify with more specific language the policies expressed in the regulations and make grammatical corrections. Specifically, the changes provide that the term of the State/County Plan of Cooperation (S/C POC) is concurrent with the federal fiscal year instead of the state fiscal year, and clarify that cooperative agreements or "local plans of cooperation" between local child support agencies (LCSAs) and local courts are not subject to these regulations.

The Department of Child Support Services is required by Family Code Section 17306(d) to consult with a wide array of statutorily specified stakeholders. These stakeholders include: counties, custodial and non-custodial parent advocates, labor organizations, judicial and legislative committees. The Department met these requirements by sending draft regulations out to the representative group of parties listed in Attachment A in an informal comment process preceding the formal certificate of compliance public notice process which then allowed a 45 day public comment period. The Family Code Section 17306(d) requirement has been satisfied and the mailing list to whom the regulations were mailed for the formal 45 day public comment period is provided in the permanent rulemaking file (Tab 2). Also, the regulations text was posted on the Department's public website at www.childsup/cahwnet.gov/ for the full 45 day public comment period as well as the 15 day renote period, making it available for anyone to comment.

Section 111110. Components of State/County Plan of Cooperation.

Subsection (b) provides a general framework of LCSA responsibilities which will be addressed in the S/C POC. A nonsubstantive grammatical correction was made by addition of a period at the end of the sentence.

Subsection (c) identifies minimum elements to be included in each S/C POC. A nonsubstantive grammatical correction was made to subparagraph (1) by striking out the unnecessary comma after the word "functions".

Subsection (d) requires the annual automation cooperation agreement to be included in each S/C POC. A nonsubstantive grammatical correction was made by striking out the unnecessary comma after the word "milestones".

Subsection (e) provides that special contract provisions may be added to the S/C POC detailing the responsibilities of the local child support agency for implementing new Departmental initiatives or programs, or to address the need for program improvement by the LCSA, which may include performance goals or identify activities that need to be taken. This subsection was amended to clarify that the special contract provisions will be developed by the Department and included within the S/C POC at the Department's initiative. This amendment is necessary to ensure that the S/C POC will include express terms requiring LCSAs to meet Department identified goals to improve program performance, and to carryout new initiatives that have been developed.

A nonsubstantive grammatical correction was made to the reference citation to 45 CFR Section 303.17. The "s" was removed from the end of the word "Sections" as only one section is cited.

Section 111120. General Requirements of the State/County Plan of Cooperation.

The section title was nonsubstantively modified for consistency by removing the "s" from the word "Plans".

Subsection (a) specifies the administrative requirements surrounding the S/C POC, including the duration, renewal and amendment. The effective period for each S/C POC was changed to coincide with the federal fiscal year as opposed to the state fiscal year. This amendment was necessary to synchronize the S/C POC, and its elements, with federal reporting requirements. The child support program is a federal-state program, with federal mandates that the Department report statistics, collections, and program achievements to the federal government consistent with the federal fiscal year. Therefore, for example, changing the beginning and ending date of the S/C POC to be consistent with the federal fiscal year ensures that the Department can timely incorporate into the S/C POC needed program improvements (pursuant to Section 111110 (e)) so that the LCSA can implement changes to improve performance within the federal fiscal year. If the S/C POC coincided with the state fiscal year, there might be insufficient data about the LCSA's performance during the federal fiscal year to appropriately identify needed program improvements, or make sufficient improvements within the federal reporting periods.

Additionally, a nonsubstantive grammatical correction was made striking out the comma after the word "regulations" in the fourth line.

Subsection (b) specifies signature and submission requirements for the S/C POC. Consistent with the change in subsection (a), the submission deadline was changed to coincide with the federal fiscal year.

Subsection (c) specifies the potential consequences for failing to meet the Subsection (a) and (b) requirements. Consistent with the change in subsection (a), this subsection was changed to reflect that deadlines coincide with the federal fiscal year.

Section 111210. Authority.

Subsection (b) specifies that a LCSA shall retain responsibility for delegated duties. A nonsubstantive grammatical correction was made striking out the comma after the word "managing".

Subsection (c) was added to clarify that any cooperative agreement between a LCSA and a superior court is not a Local Plan of Cooperation within the meaning of that term in this Article. Although the definition of "county agency" did not by its terms include the local courts, comments received during the public comment period indicated that greater clarity was necessary to ensure that the Department's intention – to exclude cooperative agreements between the courts and the LCSA – was properly understood.

Repeal of Manual of Policies and Procedures Sections:

Sections 12-000 through 12-003 and Appendix I of the Department of Social Services Manual of Policies and Procedures have been repealed because the regulatory provisions previously contained in those sections have been modified and relocated to these regulations.

Local Mandate Determination:

The Department has determined that the regulations would not impose a mandate on local agencies or school districts.

Alternatives Determination:

The Department has determined that no reasonable alternative considered by the Department or that has otherwise been identified or brought to the attention of the Department would be more effective in carrying out the purpose for which these regulations are being implemented or would be as effective and less burdensome to affected private persons than these regulations.

Documents Relied Upon:

None.